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IN THE UNITED STATES DISTRICT COURT

DEC 19 2012

FOR THE DISTRICT OF MONTANA

CLERK, U.S. DISTRICT COURT
DISTRICT OF MONTANA
HELENA

HELENA DIVISION

DUANE RONALD BELANUS,

Cause No. CV 12-00065-H-DLC-RKS

Plaintiff,

vs.

AMENDED COMPLAINT

Hawthorne, Leo Dutton, Jason Grimmis,

*July 9th Unknown Agent, West, Adam Shank, Eric
Gilberts, Ferguson, Correll, Swain, Unknown
Agent, State of Montana, Unknown Officers (EUI, July 11th, 2009)
Medical Personnel, Supervisors of Detention Center,
City of Helena, Lewis and Clark County, Brian Morris*

Defendants.

INSTRUCTIONS

1. Use this form to file an amended civil complaint with the United States District Court for the District of Montana. You may attach additional pages where necessary.
2. Your amended complaint must include only counts/causes of action and facts – not legal arguments or citations.
3. Your amended complaint must be typed or legibly handwritten. All pleadings and other papers submitted for filing must be on 8 ½" x 11" paper (letter size). Your signature need not be notarized but it must be an original and not a copy. You must pay the Clerk for copies of your amended complaint or other court records, even if you are proceeding in forma pauperis.

Plaintiff's Last Name BELANUS

Amended Complaint

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4. Complaints submitted by persons proceeding in forma pauperis and complaints submitted by prisoners suing a governmental entity or employee are reviewed by the Court before the defendants are required to answer. *See* 28 U.S.C. §§ 1915(e)(2), 1915A(a); 42 U.S.C. § 1997e(c). After the Court completes the review process, you will receive an Order explaining the findings and any further action you may or must take. The review process may take a few months; each case receives the judge's individual attention.
5. When you have completed your amended complaint, mail the *original* – copies are not required – to the Clerk of U.S. District Court, 901 Front Street, Helena, MT 59626.

AMENDED COMPLAINT

I. PLACE OF CONFINEMENT

- A. Are you incarcerated? Yes ☒ No ☐ (if No, go to Part II)
- B. If yes, where are you currently incarcerated?
CCA in Shelby, MT
- C. If any of the incidents giving rise to your complaint occurred in a different facility, list that facility:
Lewis and Clark Detention Center in Helena, MT

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

- A. Non-Prisoners
 1. Does any cause of action alleged in this complaint require you to exhaust administrative remedies before filing in court?
Yes ☐ No ☐ Don't Know ☐
 2. If yes, have you exhausted your administrative remedies?
Yes ☐ No ☐

B. Prisoners (If you listed other institutions in I.C above, please answer for each institution).

1. Is there a grievance procedure in your current institution? Yes ☒ No ☐

2. Did you fully exhaust the administrative grievance process within the jail or prison where the incidents at issue occurred? Yes ☐ No ☒

3. If you did not fully exhaust the grievance process, explain why:

Because there was need to file a grievance because
officers of the state were a witness and filed
the necessary charges/complaints.

III. PARTIES TO CURRENT LAWSUIT

A. Plaintiff Duan Belanus is a citizen of Montana,
(State)

presently residing at CCA; 50 Crossroads Drive; Shelby, MT 59474
(Mailing address or place of confinement)

B. Defendant Leo Dutton is a citizen of Montana,
(State)

employed as Sheriff at Lewis and Clark Sheriff's Office
(Position and Title, if any) (Institution/Organization)

Defendant Hawthorne is a citizen of Montana,
(State)

employed as Officer at Lewis and Clark Sheriff's Office
(Position and Title, if any) (Institution/Organization)

Defendant Jason Grimmis is a citizen of Montana,
(State)

employed as Sergeant at Lewis and Clark Sheriff's Office
(Position and Title, if any) (Institution/Organization)

(NOTE: If more space is needed to furnish the above information, continue on a blank sheet labeled "APPENDIX A: PARTIES").

Amended Complaint

Plaintiff's Last Name BELANUS

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"APPENDIX A: PARTIES"

Defendant July 9, 2009 Unknown agent is a citizen of Montana employed as Corporal at Lewis and Clark Sheriff's Office.

Defendant West is a citizen of Montana employed as Sergeant at Lewis and Clark Sheriff's Office.

Defendant Adam Shank is a citizen of Montana employed as Officer at Lewis and Clark Sheriff's Office.

Defendant Eric Gilberts is a citizen of Montana employed as Deputy at Lewis and Clark Sheriff's Office.

Defendant Ferguson is a citizen of Montana employed as Sergeant at Lewis and Clark Sheriff's Office.

Defendant Correll is a citizen of Montana employed as Sergeant at Lewis and Clark Sheriff's Office.

Defendant Swain ? is a citizen of Montana employed as Sergeant at Lewis and Clark Sheriff's Office.

Defendant Unknown Agent is a citizen of Montana employed as Officer at Lewis and Clark Sheriff's Office.

"APPENDIX A: PARTIES"

Defendant State of Montana is a citizen
of Montana employed as Owner
at Lewis and Clark Sheriff's Office.

Defendant Lewis and Clark County is a citizen
of Montana employed as Government Entity
at Lewis and Clark Sheriff's Office.

Defendant Unknown Medical Personnel is a citizen
of Montana employed as Medical Officer
at Lewis and Clark Sheriff's Office.

Defendant Supervisors of Detention Center is a citizen
of Montana employed as Supervisors of Detention Center
at Lewis and Clark Sheriff's Office.

Defendant City of Helena is a citizen
of Montana employed as Government Entity
at Lewis and Clark Sheriff's Office.

Defendant Officers (Evening of July 11, 2011) is a citizen
of Montana employed as Officers
at Lewis and Clark Sheriff's Office.

Defendant Brian Merritt is a citizen
of Montana employed as Officer
at Lewis and Clark Sheriff's Office.

IV. STATEMENT OF CLAIMS

- A. Count I (State your cause of action, e.g., how have your constitutional rights been violated):

Please

Date of incident(s): _____

1. Supporting Facts: (Include all facts you consider important, including names of persons involved, places, and dates. State the facts clearly in your own words without citing legal arguments, cases, or statutes).

SEE

2. Defendants Involved: (List the name of each defendant involved in this claim and specifically describe what each defendant did or did not do to allegedly cause your injury).

APPENDIX B'S
ATTACHED

(NOTE: For each additional claim, use a blank sheet labeled "APPENDIX B. STATEMENT OF CLAIMS." You must set forth two paragraphs for each count, one consisting of Supporting Facts (following the directions under IV(A)(1)), and one consisting of Defendants Involved (following the directions under IV(A)(2)).

APPENDIX B

STATEMENT OF CLAIMS

COUNT I MY Constitutional Rights To Be Protected and SAFE From Harm While in Custody was violated under the 8th and 14th Amendments.

My Constitutional Rights were violated when I stressed my safety about being placed into General Population and I was directed to not talk about my case, lie if necessary, and was placed in General Population anyways. The officers were aware of the possible life threatening danger; yet, in blatant disregard to my safety, I was placed in general population anyways.

Date of Incident: Prior to July 11th, 2009.

1. Supporting Facts: Prior to July 11th 2009, all STAFF members segregated inmates who had disliked crimes by other inmates, for example "Six Crimes". I was in a separate and secluded pod, with other inmates who had disliked crimes, away from General Population. A "Directive" to keep from having "Have Crimes" occur. When the women's pod became too full, a decision was made to incorporate the segregated inmates, myself and others, into General Population instructing us not to discuss our charges to other inmates and lie if necessary. I, at this time, stressed my concern and was placed in General Population anyways. Being assured by STAFF, that everything would be alright.

2. Defendants Involved:

SGT West - He directed me to not talk about my case and lie about my charges if necessary. Assuring me that everything would be alright. Placing me into General Population knowing that a situation will occur at some point if my charges became known. He had a Reckless Disregard for my safety, being deliberately indifferent to my concerns, and grossly neglecting my Constitutional Rights. I, along with others, should not have been placed in General Population, which later led to my injuries.

Supervisors of Detention Center - When these individuals made the executive decision to place me, among others, into General Population when we were being segregated due to our crimes prior to this move, placing me in imminent danger. A Reckless Disregard for my safety, being deliberately indifferent to my welfare, and neglecting my Constitutional Rights, which led to my injuries. I shouldn't have been placed in General Population.

Unknown Agent - This individual also directed me to make sure that I didn't talk about my charges and lie about them if necessary. Telling me that everything would be alright. Assisting SGT West in placing myself and others in General Population. Having a Reckless Disregard for my safety, being deliberately indifferent to my concerns, and grossly neglecting my Constitutional Rights, which later led to the "Have Crime" against me. I shouldn't have been placed in General Population.

APPENDIX B

STATEMENT OF CLAIMS

COUNT II My Constitutional Rights to be Protected and Safe From Harm while in jail was violated under the 8th and 14th Amendments.

My Constitutional Rights were violated when I stressed my concerns to Sgt Swain? and an unknown agent about being in General Population after an inmate I was housed with in Segregated Housing was severely beaten and hauled away unconscious on a stretcher in another pod. I was told that everything would be okay because I was in a different pod.

Date of Incident: Prior to July 11, 2009

1. Supporting Facts: Hours after being placed in General Population, an inmate which I was housed with in Segregated Housing was severely beaten in another pod. I stressed my concerns after the cleanup and reports unknown agent and Swain? had to do. I was told everything would be okay because I was in a different pod. After the "Hate Crime" which occurred against me, I was placed in the Library to House on the Floor and met with the individual who was beaten hours after our placement into General Population. He informed me about the injuries he sustained, a serious jaw injury in which his jaw had to be wired and surgically put back together.

2. Defendants Involved:

Unknown Agent - I stressed my concerns and Fears about being in general Population. I was told everything would be okay because I was in a different pod. A Reckless Disregard For my safety, Being Deliberately Indifferent to my concerns and situation, and Neglecting my Constitutional Rights. He should of acted on his own Authority to remove any possible act of violence toward another "Hate Crime".

Sgt Swain? - I spoke to this individual later about my concerns because the inmates figured out I came from the Back Pod (Segregated Housing). He said there's nothing he could do and that noon would do anything. Because if they were, they would've done something by now. Being Deliberately Indifferent to my concerns.

APPENDIX B

STATEMENT OF CLAIMS

Count III My Constitutional Rights TO be Protected and Safe From Harm while in Jail was violated under the 8th and 14th Amendments.

My Constitutional Rights were violated when the City of Helena decided to over-crowd the jail so inmates had to sleep on the floor forcing more and more inmates to house together. This practice placed me, and others, into General Population and sleep on the floors. Knowing that I, and others, were placed in Segregated Housing to eliminate a "Have Crime" from occurring.

Date of Incident: Prior to July 11, 2009

1. Supporting Facts: The City of Helena prefers to house "Criminals" rather than allowing some sort of release. This practice over-crowds the housing capacity of the jail, forcing dozens of inmates to sleep and literally house on the floor. I, and others, were housed in Segregated Housing due to our crimes. The over-crowding of the jail forced the Supervisors of the Detention Center to make an executive decision to place us into General Population, where hours after this move into General Population, one of the Segregated Inmates was seriously assaulted. Then later, my "Have Crime" occurred. This custom, by the City of Helena, to house as many inmates at one time as possible, perhaps to gain greater income from the County or State, resulted in the "Have Crime" against me.

2. Defendants Involved:

City of Helena - They've decided to max out the inmate population in order to gain revenue for future funding by the state. This custom to receive greater funds by misleading the State of Montana, led to the Neglecting and Deliberate Indifference by the Supervisors of the Detention Center placing others and I in harms way. The purposeful over-crowding of the jail in order to secure greater funding for the future, led to the denial of my Constitutional Rights to be safe and secure while incarcerated and a "Have Crime" take place.

APPENDIX B

STATEMENT OF CLAIMS

Count IV My Constitutional Rights to be Protected and Safe From Harm while in Jail was violated under the 8th and 14th Amendments.

My Constitutional Rights were violated when the County of Lewis and Clark decided to over-crowd the Detention Center. This custom led others and I out of Segregated Housing into General Population.

Date of Incident: Prior to July 11, 2009

1. Supporting Facts: The Lewis and Clark County prefers to house as many "Criminals" as possible at the Detention Center, rather than allowing some sort of release. During my stay of over 376 days in Jail, there were almost always people sleeping and being housed on the floor. This over-crowding, perhaps to secure funding for the future, led to the removal of myself out of Segregated Housing, which was used to keep from having "Hate Crimes" from occurring against those who had disliked crimes, such as "Six Crimes". This over-crowding led to the placement of myself and others into General Population resulting in the "Hate Crime" against me.

2. Defendants Involved:

Lewis and Clark County - Purposely detains as many "Criminals" as possible to perhaps gain additional funding in the future for its Detention Center, which led to the placement of Segregated inmates being placed in General Population allowing a "Hate Crime" against me, to occur.

APPENDIX B

STATEMENT OF CLAIMS

Count II My Constitutional Rights to be Protected and Safe From Harm while in Jail was Violated under the 8th and 14th Amendments.

My Constitutional Rights were violated when an Unknown Agent "Corporal" took it upon himself to inform other inmates about my charges and information used against me at trial to help inmates learn of my charges, knowing it would create devastating results and a Provoked attack (Hate Crime) against me.

Date of Incident: On or About July 9, 2009.

1. Supporting Facts: Inmates left notes, that officers later found, stating that they were informed of my charges and information used against me at trial, stating that a "Corporal" spoke to them about it for over 40 minutes. At this time the note was found, multiple threatening notes were also found and multiple inmates were yelling through their pods calling bad names and making threats of harm and death towards me until I was seriously assaulted by a "Hate Crime". No officer should indulge information about one inmates charges and information to other inmates. This failure to protect and reckless disregard to my safety and constitutional rights directly led to the "Hate Crime" against me.

2. Defendants Involved:

July 9, 2009 Unknown Agent "Corporal" - Who purposely, with the reckless disregard to my safety and well being, informed inmates about my charges and the information used against me. This gross negligence was the cause of inmates to perform a "Hate Crime" against me. The purposely intended communications with other inmates about my charges and information is a failure to protect. This "Corporal" is trained to not do such actions, yet went forth doing so, which led to the "Hate Crime" against me.

APPENDIX B

STATEMENT OF CLAIMS

COUNT ~~VI~~ My Constitutional Rights to be protected and safe from harm while in jail was violated under the 8th and 14th Amendments.

My Constitutional Rights were violated when the Sergeants of the Unknown Agent "Corpral" did not train their subordinate about the consequences of disclosing charges of one inmate to another and the devastating and serious consequences associated with this type of behavior, and failing to supervise the "Corpral's" actions.

Date of Incident: on or About July 9, 2009

1. Supporting Facts: Subordinates, such as the "Corpral" in

this case, are trained by their superiors and taught the to do's and not to do's. The "Corpral" should have been trained not to disclose other inmate's charges to other inmates. The Sergeants should also have trained their subordinates not to be conversing with the inmates for over 40 minutes. The lack of supervision and control over their subordinates resulted in this "Corpral's" disclosing my case to inmates for over 40 minutes, putting my life in grave danger, which caused the "Hate Crime" against me.

2. Defendants Involved: Supervisors of Detention Center - Failed to

train the "Corpral" about disclosing one inmate's charges to others and the consequences of such an act. Also failing to supervise the "Corpral's" actions by allowing him to freely converse with inmates for over 40 minutes as if this type of practice is normal. This complacency led to the "Hate Crime" against me.

Sergeant West - Failing to train the "Corpral" about disclosing an inmate's charges and information to other inmates and the dangers of doing so. Failing to train the "Corpral" about talking to inmates for over 40 minutes as if this practice is normal. These actions led to the "Hate Crime" against me.

Sergeant Correll - Failing to train the "Corpral" about disclosing an inmate's charges and information to other inmates and the dangers of doing so. Failing to train the "Corpral" about talking to inmates for over 40 minutes as if this practice is normal. These actions led to the "Hate Crime" against me.

Sergeant Ferguson - Failing to train the "Corpral" about disclosing an inmate's charges and information to other inmates and the dangers of doing so. Failing to train the "Corpral" about talking to inmates for over 40 minutes as if this practice is normal. These actions led to the "Hate Crime" against me.

Sergeant Swain - Failing to train the "Corpral" about disclosing an inmate's charges and information to other inmates and the dangers of doing so. Failing to train the "Corpral" about talking to inmates for over 40 minutes as if this practice is normal. These actions led to the "Hate Crime" against me.

APPENDIX B

STATEMENT OF CLAIMS

COUNT VII my Constitutional Rights to be Protected and Safe From Harm while in Jail was Violated under the 8th and 14th Amendments.

my Constitutional Rights were violated when the Supervisors and Sergeants Failed to Train, Direct, and Supervise the "Corpral" about written Policy and on how to conduct his Official Capacities with inmates.

Date of Incident; On or About July 9, 2009.

1. Supporting Facts; When Several STAFF members Directed me not to talk about my charges to other inmates and lie if necessary to avoid some sort of conflict, it can not be said that it's Policy for a "Corpral" or any other Employee of the Lewis and Clark Detention Facility to Disclose my charges and information "For over 40 minutes" to other inmates which Directly Resulted in the "Hate Crime" against me. The Supervisors of the Detention Center and the Sergeants are responsible for their "Corpral's" conduct, actions, or inactions while employed at the Lewis and Clark Detention Center. The Sergeants and Supervisors of the Detention Center should have trained the "Corpral" about written Policy and should have supervised his duties as an Officer.

2. Defendants Involved: Supervisors of Detention Center should have been paying attention to their "Corpral's" actions. Talking to inmates "For over 40 minutes" can not be said to be common procedure. They Failed to Train, Direct, and Supervise the "Corpral's" adherence to written Policy and how to conduct himself in his Official Capacity towards inmates. Their responsible for their "Corpral's" actions and inactions.

Sgt West, Lorrell, Ferguson, and Swain Should have been paying attention to their "Corpral's" actions. Talking to inmates "For over 40 minutes" can not be said to be common procedure. They Failed to Train, Direct, and Supervise the "Corpral's" adherence to written Policy and how to conduct himself in his Official Capacity towards inmates. Their responsible for their "Corpral's" actions and inactions.

APPENDIX B STATEMENT OF CLAIMS

Court VIII My Constitutional Rights to be protected and safe from harm while in jail was violated under the 8th and 14th Amendments.

My Constitutional Rights were violated when Leo Dutton failed to train and supervise his sergeants and corporals about disclosing of one inmates charges and information to other inmates directly resulting in a "Hate Crime" against me.

Date of Incident: On or About July 9th, 2009.

1. Supporting Facts: Leo Dutton's Corporals, the Supervisors of the Detention Center, and the Sergeants should have been trained on how to operate and conduct themselves towards inmates and operate the jail. The fact that prior to my "Hate Crime", another "Hate Crime" had occurred against another inmate who suffered substantial injuries, Leo Dutton should have got together with the Sergeants and Supervisors of the Detention Center to remedy any future "Hate Crimes" against other inmates, but no such action was taken. Leo Dutton is responsible for his Sergeants and Corporals actions while employed at the Lewis and Clark Detention Center. Some sort of plan should have been implemented after the first "Hate Crime" occurred to another inmate, prior to the "Hate Crime" against me. The failing to supervise and direct his "Corporal" led this individual to disclose information and charges about my crime to inmates which directly led to the "Hate Crime" against me.

2. Defendants Involved: Leo Dutton, Sheriff

Failed to train, direct, and supervise Sgt West, Sgt Correll, Sgt Ferguson, Sgt Swain, and July 9, 2009 Unknown Agent "Corporal" about disclosing one inmates charges and information to other inmates which directly led to the "Hate Crime" against me. Leo Dutton is responsible for his employees actions or inactions while their employed at the Lewis and Clark Detention Center.

APPENDIX B

STATEMENT OF CLAIMS

Count IX My Constitutional Rights to Be Protected and Safe From Harm while in Jail was violated under the 8th and 14th Amendments.

My Constitutional Rights were violated when OFFICER Hawthorne, Adam Shank, Eric Gilbertson, Brian Merritt, and Unknown Medical Personell Failed to protect me from Harm.

Date of Incident: July 11th 2009.

1. Supporting Facts: OFFICER Hawthorne was a witness to multiple inmates calling me several derogatory names, making several threats of Harm, and threats of Death when I was removed from my Pod for medical pass. On the way to the Medical Station I stressed my concerns about going back to the Pod after I was done at med. pass. I told her that I did not want to go back because some inmates in my Pod were passing notes back and forth with the inmates in Pod 2 and acting very Hatefull towards me. OFFICER Hawthorne brought this up to the OFFICERS in the Medical Station in front of the Medical Personell. Hawthorne stated that the threats were coming from Pod 2 and not from my Pod. I was then directed to go back to Housing and stay in my room until they were done with med. Pass and they'll deal with it then.

2. Defendants Involved; Hawthorne was Deliberately Indifferent to my concerns about returning to Housing. She, with a Reckless Disregard to my safety and Health, placed me back into Housing knowing I was Fearfull of returning and said she'll deal with it after med. Pass. This Failure to Act was the Direct result of the "Hate Crime" against me.

Adam Shank, Eric Gilbertson, Brian Merritt, and Unknown Medical Personell all Failed to act when they became aware of my concerns at the Medical Station when OFFICER Hawthorne informed them of threats towards me and I told them about the unusual behavior of the inmates in my pod and the passing of notes. They assured me, along with Hawthorne, that the threats were coming from a different Pod and that I should be alright and they'd deal with it after med. Pass. This Deliberate Indifference and Reckless Disregard to my safety and Health Directly led to the "Hate Crime" against me.

APPENDIX B

STATEMENT OF CLAIMS

COUNT X My Constitutional Rights to be safe and protected from harm while in Jail was violated under the 8th and 14th Amendments.

My Constitutional Rights were violated when Sgt Ferguson, Sgt Lorrell, Sgt Swain and Sgt West Failed to implement a procedure to eliminate "Hate Crimes" from occurring and failed to train OFFICER Hawthorne, Adam Shank, Eric Gilbertson, Brian Merritt, and Unknown medical Personnel about an inmates safety.

Date of Incident: JULY 11th, 2009.

1. Supporting Facts: Prior to the "Hate Crime" against me on this date, another "Hate Crime" occurred against an inmate who sustained serious jaw injuries. "Hate Crimes" had occurred before in the past. That's why when an inmate had a "sex crime" he was segregated from general population. When the first "Hate Crime" against one inmate who had a "sex crime" was placed in general population, there should have been some sort of safe-guard established to eliminate any other "Hate Crime" from occurring. Instead, no safe-guard or procedure was established and things were left the same, which directly led to the "Hate Crime" against me. The Sergeants Failure to train OFFICER Hawthorne, Adam Shank, Eric Gilbertson, Brian Merritt, and Unknown medical Personnel about an inmates safety, especially when I stressed my concerns about going back to general population and was placed back anyways, led directly to the "Hate Crime" against me.

2. Defendants Involved: Sgt Ferguson, Sgt West, Sgt Lorrell, Sgt Swain

All Failed to implement some sort of procedure or safeguard to eliminate "Hate Crimes" from occurring, especially when I stressed my concerns about going back to general population and I'm placed back anyways. They Failed to train OFFICER Hawthorne, Adam Shank, Eric Gilbertson, Brian Merritt, and Unknown medical Personnel about an inmates safety and their responsibility to protect. Had these Sergeants trained these individuals, I would not have been placed back into general population after stressing my concerns and OFFICER Hawthorne witnessing threats of death towards me. Because the Sergeants Failed to incorporate some sort of safeguard after the "Hate Crime" occurred before my incident or at least train the OFFICERS in my case about protecting an inmates well-being, it directly led to the "Hate Crime" against me, knowing full-well that before my "Hate Crime" against me occurred, another happened just like it.

APPENDIX B

STATEMENT OF CLAIMS

Count XI My Constitutional Rights to be Safe and Protected From Harm while in Jail was violated under the 8th and 14th Amendments.

My Constitutional Rights were violated when Leo Dutton Failed to implement Safeguards against Future "Hate Crimes" which Directly led to the "Hate Crime" against me. Leo Dutton Failed to train Sergeants West, Correll, Ferguson, and Swain about protecting an inmates Health and Safety.

Date of Incident: July 11th, 2009.

1. Supporting Facts: Leo Dutton took an Oath to Serve and Protect, along with the Sergeants in this case. A "Hate Crime" occurred to another inmate before my "Hate Crime" occurred, this in-House jail punishment had been remedied by placing those with "Sex crimes" in Segregated Housing. When others and I were placed in General Population due to over-crowding, we were told not to talk about our charges and if necessary. After the First "Hate Crime" occurred, Leo Dutton was obligated to implement some sort of Safeguard to eliminate any other "Hate Crime" from occurring. His Failure to Act and train his Sergeants, led to the "Hate Crime" against me by his Sergeants failing to train Officer Hawthorne, Adam Shank, Eric Gilbertson, Brian Murray, and Unknown Medical Personell about protecting an inmates Health and Safety. Had Leo Dutton trained his Sergeants, the "Hate Crime" against me would not have occurred.

2. Defendants Involved: Leo Dutton Failed to implement Safeguards against "Hate Crimes" For those with "Sex crimes", when previous to my "Hate Crime", one had occurred. His Gross Negligence on protecting my Safety led to the "Hate Crime" against me. When Leo Dutton Failed to train his Sergeants West, Swain, Ferguson, and Correll about protecting an inmates safety and the signs associated with a possible "Hate Crime", this led to the Gross Neglect of my Constitutional Rights and placed Back into General Population even after I stressed my concerns about it, which Directly led to the "Hate Crime" against me. The Failure to Act by Leo Dutton allowed Hawthorne to place me Back into General Population while the Assailants were waiting.

APPENDIX B

STATEMENT OF CLAIMS

COUNT XII My Constitutional Rights to be safe and Protected From Harm while in Jail was violated under the 8th and 14th Amendments.

My Constitutional Rights were violated when Jason Grimmis purposely tried to minimize the injuries I sustained as a result from the "Hate crime" against me and failed to adequately prepare and carry out an investigation.

Date of Incident: July 11th and 12th, 2009.

1. Supporting Facts: Jason Grimmis purposely tried to minimize my injuries in his report in order to help those in this civil suit not to become liable for the damages from the "Hate Crime", which was preventable, against me. He neglected to report about the Emergency Room admittance, the injuries I sustained, and the medical treatment needed to remedy my injuries. He was being deliberately indifferent in writing up his report because of the "nature of my crime". On how I needed to be catheterized in order to relieve the severe pain from my sides/kidneys and blood was running through the catheter tube along with urine. Minimizing the actual injuries I sustained from the "Hate Crime" against me, the permanent deformations I now have to physically see everyday for the rest of my life, the possible life-long ear-ringing, and the severe migraines I now must deal with, is a violation of my Constitutional Rights by Jason Grimmis.

2. Defendants Involved: Jason Grimmis who's incident report and investigation minimizes the actual injuries I sustained. He neglected, or "accidentally forgot", to check his recorder when interviewing one of the inmates who were involved in the "Hate Crime" against me so their oral confessions could not be recorded and then charged the assailants who performed the "Hate Crime" against me with simple assault. All to minimize the events which occurred against me in order to save face in light of the "Hate Crime", to let it be known only as a simple assault. If this type of act had happened on the streets, any other officer would have pressed for more severe charges.

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APPENDIX B

STATEMENT OF CLAIMS

COUNT XIII My Constitutional Rights to be seen and Treated by medical Personnell while in jail was violated.

my Constitutional Rights to be seen and treated by medical Personnell was violated when the unknown OFFICERS (Evening of July 11th, 2009) refused to take me to the Hospital until I begged and pleaded with them for numerous hours to take me.

Date of Incident: Evening of July 11th, 2009

1. Supporting Facts: After the "Hate Crime" occurred against me, I suffered from several substantial injuries. I was placed in a P.C. Pod and seen by paramedics who insisted I go to the Hospital to get checked out. The unknown OFFICERS said they'd have a Transport send me. I asked for ice to help the swelling of my Face and was denied. After a little while, my sides became swollen, had shooting sharp pains, and the skin on my sides became darker. I told the unknown OFFICERS and they said I'd be alright. Later, my sides became so painful I could barely breathe. From this point on, I begged and pleaded with the OFFICERS to help me and bring me to the Hospital. The OFFICERS purposely ignored me for hours, until I could no longer walk and was in the fetal position in the cell trying to fight the pain from my sides, when the OFFICERS came to the cell and asked me if I still needed to go to the Hospital. I said yes but I could not walk. The OFFICERS did not take me seriously. They cuffed me behind my back, and dragged me to the awaiting police car while all along the way telling me that it wasn't that bad.

2. Defendants Involved: Unknown OFFICERS (Eve. July 11th, 2009)

were Deliberately Indifferent to my required medical needs with the Reckless Disregard to my Constitutional Rights to be treated for my injuries sustained by the "Hate Crime". They were purposely negligent to my health and well-being, thinking that my injuries were insubstantial and required no medical attention. They are not Doctors, how could they possibly know what was wrong with me? Instead they waited for hours to see if I still needed medical treatment.

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APPENDIX B

STATEMENT OF CLAIMS

COUNT XIV My Constitutional Rights were violated when I was denied medical treatment for several hours after the "Hate Crime" against me occurred.

My Constitutional Rights were violated when it's the practice of the Lewis and CLARK County to deny medical treatment for as long as possible to see if medical treatment is still needed later in order to keep unwanted or unneeded medical costs down.

Date of Incident: Evening July 11th, 2009.

1. Supporting Facts: The Practice of the Lewis and Clark County to keep possible unneeded and unwanted medical costs down, kept me in a P.C. Pod for several hours to see if I still needed medical attention. To be ignored for numerous hours, while complaining of my severe sharp pains in my sides. Then after these several hours in isolation in the P.C. Pod, I was asked if I still needed to go to the Hospital for my injuries. Because I was in pain for so long I could not stand straight or walk, so the officers cuffed and shackled me and dragged me to the police car and when I arrived at the Hospital, I was dragged in there as well.

2. Defendants Involved: Lewis and CLARK County has a practice of Denying any inmate medical needs in order to keep unwanted and unneeded medical costs down. This practice, caused me to suffer in pain for numerous hours before being cuffed and shackled, dragged to the police car, layed down in the police car, and dragged into the Hospital because I could not walk. Then finally, I was treated for the injuries I sustained from the "Hate Crime" against me.

APPENDIX B

STATEMENT OF CLAIMS

Count XIV my Constitutional Rights were violated when I was Denied Medical Treatment For Several Hours After the "Hate Crime" against me occurred.

My Constitutional Rights were Violated when it's the Practice OF The City OF Helena To deny medical Treatment For as long as possible to verify if medical treatment is still needed later in order to keep unwanted and unneeded medical costs down.

Date of Incident: Evening July 11th, 2009

1. Supporting Facts: The Practice OF the City OF Helena in order to keep the unneeded and unwanted medical costs down at the Lewis and Clark Detention Center kept me in a P.C. Pod For Numerous Hours to see if I still needed medical attention. I was ignored For several hours, while complaining of my severely sharp pains from my sides. then after these several hours in isolation in the P.C. Pod, I was asked if I still needed to go to the Hospital For my injuries. Because I was in pain For so long, I couldn't stand straight or walk, so the officers cuffed and shackled me and dragged me to the police car and when I arrived at the Hospital I was dragged in there as well.

2. Defendants Involved: City OF Helena has a Practice OF Denying any inmate medical needs in order to keep unwanted and unneeded medical costs down. This Practice, caused me to suffer in pain For numerous hours before being cuffed and shackled, dragged to the police car, layed down in the police car, and dragged into the Hospital Because I could not walk. Then I was Finally treated For the injuries I sustained From the "Hate Crime" against me.

APPENDIX B

STATEMENT OF CLAIMS

COUNT XVI My Constitutional Rights To Be Safe and Protected From Harm while in Jail was Violated under the 8th and 14th Amendments.

My Constitutional Rights were violated when the Supervisors of the Detention Center Failed to incorporate some sort of Safeguard to eliminate further "Hate Crimes" against inmates and Train The Staff, such as the Sergeants and Officer Hawthorne, about eliminating such "Hate Crimes" From occurring.

Date OF Incident: July 11th, 2009

1. Supporting Facts: Before this night that I was attacked for a "Hate Crime", another inmate was seriously assaulted for his charges. Thus, a "Hate Crime" had taken place. He sustained serious jaw injuries and required reconstructive surgery. The Supervisors of the Detention center were fully aware of this "Hate Crime" prior to the "Hate Crime" which occurred against me. The fact that there was knowledge of a previous "Hate Crime" event and nothing was done to resolve any future attacks from occurring, it directly led to the "Hate Crime" against me.

2 Defendants Involved: Supervisors of The Detention Center Failed to incorporate any type of procedure to help eliminate "Hate Crimes" from occurring. The fact that a previous "Hate Crime" occurred before the "Hate Crime" against me and nothing was implemented to resolve any further incidents from occurring led directly to the "Hate Crime" against me. The Supervisors of the Detention Center should have trained the Sergeants and Officers in this suit, such as Officer Hawthorne, about what should occur if an inmate feels threatened or if an Officer or Sergeant is a witness to verbal threats of harm and death and the steps which need to occur to guarantee an inmates safety from harm. Because nothing was done about the previous "Hate Crime" before mine, things stayed the same and when I stressed my concerns about returning to general population, I was returned anyways.

APPENDIX B

STATEMENT OF CLAIMS

COUNT ~~XVII~~ MY Constitutional Rights were violated when the State of Montana, during my sentencing hearing, ordered that I pay for all medical costs that I accrued while in jail.

The State of Montana is responsible for my medical bills I acquired while in jail, especially the ones from the "Hate Crime" which occurred against me, I should not be responsible for those bills.

Date of Incident: On or About Aug. 13, 2009

1. Supporting Facts: While incarcerated, I ended up with some medical problems, injuries, and mental health problems. During sentencing, I was ordered to pay for all of the medical costs which accrued. I have received several collection agency notices. Leo Gallagher stated in a letter to me after my sentencing hearing, that the State of Montana had paid for all of my medical bills while in jail. This statement is untrue. One of the individuals who was involved in the "Hate Crime" against me, was ordered to pay for the medical bills from that incident and any other future medical bills therefrom. I have not been given the other 2 individuals' information that were involved in the "Hate Crime" against me, even though I have asked for it. In any case, I have been charged for all medical costs while I was in jail, and I should not have been. Because the State did not pay for my medical bills, my very respectable high credit score has now been tarnished.

2. Defendants Involved: State of Montana, City of Helena, Lewis and Clark County

While in the care and custody of the Lewis and Clark Detention Center, medical costs are to be covered by one of these, or all of these, agencies.

APPENDIX B

STATEMENT OF CLAIMS

COUNT XVIII My Constitutional Rights to Be Safe and Protected From Harm while in Jail was violated under the 8th and 14th Amendments.

The State of Montana is Responsible For Those who are Acting Under the Color of Law, Violate my Constitutional Rights with Deliberate Indifference, with a Reckless Disregard, or with a Negligent or Malice Intent to do so.

Date of Incident: On and Before July 11th, 2009.

1. Supporting Facts: Those who are trained and Swear an Oath to Protect and Serve For the People, and the State of Montana, have a Responsibility to do their job as required. When an employee for the State is Sworn in as an OFFICER, his Duty is to Protect the Constitutional Rights of every man, woman, and child of this State and Beyond. It can not be said when an OFFICER of the State, indulges one inmate's charges and information to other inmates "For over 40 minutes", that that OFFICER is protecting anyone or acting in his OFFICIAL Duty, He's endangering someone. Nor can it be said that when an OFFICER is told by an inmate that he is Fearful for his life, liberty, and safety and placed back into that environment when that same OFFICER was a witness to other inmates saying threats of harm and even Death to that Inmate, that that OFFICER is acting within their OFFICIAL Capacities or even considering the Constitutional Deprivations their actions or inactions will cause. Then, where are those who are supposed to be Governing these individuals, their oblivious to any wrongdoing going on because they themselves are either uneducated in the positions they were sworn to uphold or Disregard the Constitutional Guarantees that everyone are promised by the very entity that Sworn them in to do so, the State of Montana.

2. Defendants Involved: The State of Montana is Responsible For the actions or inactions of anyone who is acting under the Color of Law For any Constitutional Violation They've performed while in their OFFICIAL Capacity, whether known or unknown at that time.

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APPENDIX B

STATEMENT OF CLAIMS

Count **XIX** The State of Montana Violated my Constitutional Rights when they Failed to properly charge the assailants in the "Hate Crime" against me.

My Constitutional Rights were violated when the assailants who attacked me in the "Hate Crime" were charged with a simple misdemeanor assault.

Date of Incident: After July 11th, 2009

1. Supporting Facts: The inmates who assaulted me were yelling "It's only a misdemeanor, it's only a misdemeanor" and that's exactly what they were charged with. A "Hate Crime" against me that left me with serious injuries, permanent scars, with life long complications and only misdemeanors were charged against the assailants. Had this occurred outside the jailhouse, much more serious charges would have been sought; but because it was jailhouse justice against me who has a disliked crime, it's alright NOT to seek justice for the provoked, planned, and hatefull assault against me. The assault against me was anything but a simple assault. No Equal Protections of the Law existed for those responsible for my now lifelong injuries. They were let off easy.

2. Defendants Involved: State of Montana - Should have sought the proper charges for the assailants involved in the "Hate Crime" against me. Instead, the State sought the easiest and quietest remedy to minimize the actual events which took place.

V. INJURY pg 1 of 8

#1 Describe the injuries you suffered as a result of each individual defendant's actions. (Do not cite legal arguments, cases, or statutes). Sgt. West, Supervisors of Detention

Center, Unknown Agent, Sgt. Swain, City of Helena, Lewis and CLARK County - placed me into General Population Instructing me not to talk about my case and lie if necessary. This caused me severe paranoia about being attacked and the reason why I was in jail. This also caused me to be very Fearful and uncomfortable around others and on high alert because I slept on the floor for quite some time. Once I got a room, I was Fearful someone would try to harm me while I was asleep because I had to leave my door open for whoever was sleeping on the floor. Everyone knew I had come from the Segregated Pod and that only "Sexxers" came from that pod. Almost no one trusted me, but I had to keep lying in fear of harm.
(NOTE: If more space is needed to furnish the above information, continue on a blank sheet labeled "APPENDIX C: INJURY").

VI. REQUEST FOR RELIEF pg 1 of 2

Describe the relief you request. (Do not cite legal arguments, cases, or statutes).

Leo Dutton - Suspended, Fined in excess of \$75,000, and Policies Changed
Hawthorne - Fired and Fined in excess of \$75,000, Charges Sought
Jason Grimm - Suspended and Fined in Excess of \$75,000
July 9th, 2009 Unknown Agent - Fired and Fined in excess of \$75,000, Charges Sought
Sgt West - Suspended and Fined in excess of \$75,000

(NOTE: If more space is needed to furnish the above information, continue on a blank sheet labeled "APPENDIX D: REQUEST FOR RELIEF").

APPENDIX C

INJURY

#1

(CONT.) I'm FearFull OF New Areas. I was attacked, and a "Hate Crime" was carried out against me. I'm permanently SCARRED with a huge lump on my lip. I have a droopy right eye lid. I now SUFFER From Severe migraines, especially when the weather changes. I have a constant ringing in my ears. I have problems with my jaw popping on the right side from time to time, and I sustained chipped teeth as well. After the attack, for quite a while my right eye would wonder about and be slow to move compared to my left eye. My lower lip is spotted with purple blotches, with a line difference of my lip from one side to the other. To this day in new areas, I'm jumpy and nervous. At the Hospital, I had to be catheterized in order to go to the bathroom and blood was mixed with the urine. I suffer from both physical and emotional injuries because of this.

#2

Unknown Agent of July 9, 2009 "Corporal" - He placed my life in Great Danger. After he told the inmates what I was in jail for and the information about it, all the other inmates in the front pods started calling me Rapo, Kidnapper, Chomo, Sexter, etc; threatening me with harm and constant "cat calls". I denied all allegations to the inmates in my pod. I was in fear of my life. 2 days of constant name calling from multiple inmates until I was finally assaulted. Being beaten and my head slammed in the large pools of blood from my body, over and over again. Being kicked all over my body while one of the assailants was slamming my face and forehead into the concrete as hard as he could. Several minutes this "Hate Crime" occurred against me. I temporarily lost hearing and everything was getting brighter and brighter and with all of my strength I fought to crawl to push the cell door open while my assailants kept fighting me from crawling to the door yelling "don't stop, don't stop it's only a misdemeanor". Then my fingertips finally touched the door and I was able to push it open and wait for what seemed forever for the guards to finally come in and get the assailants off of me because they had to come from different parts of the facility and wait for several doors to either pop or slide open. I suffered a severe concussion, a broken nose, a broken jaw, a split open lower lip, a droopy eye lid, a broken right eye, chipped teeth, an on-going battle with severe migraines, ringing ears, nightmares of not being able to defend myself and being severely beaten, a popping jaw, a deformed lip with purple blotches and distorted lip line, and a sharp dropping eyebrow because this "Corporal" disclosed my case to inmates directly causing a "Hate Crime" against me.

APPENDIX C

I N J U R Y

#3

Supervisors of Detention Center, Sgt. West, Sgt. Correll, Sgt. Ferguson, Sgt Swain. - All Failed to Train and Supervise the "Corporal" in this case about his Duties to Protect my Constitutional Rights and How He should conduct his Official Duties toward incarcerated individuals. Allowing him to Freely do as he pleases and not abiding to his Sworn Ethical Duties allowing him to Freely converse with inmates "For over 40 minutes" disclosing my charges and information to them provoking a Jail-House Justice "Hate Crime" against me. Because these individuals Failed to do their ethical Duties in Training and Supervising this "Corporal" I Suffered From extreme paranoia of Being Harmed, Being called Horrible names for 2 days straight from multiple inmates, threats of Being Harmed, extreme stress and Fear of Being harmed in my sleep, having to continually lie about why I was in jail, Being threatened with death and then finally being attacked with a "Hate Crime". Suffering serious and permanent injuries; a serious concussion, a split open lower lip, a broken nose, a broken jaw, a wandering right eye, a droopy eye-lid, a sharp dropping right eye-brow, ringing ears, migraine headaches, chipped teeth, a popping jaw from time to time, a permanently deformed lower lip with purple blotches, paranoia of Being jumped, Fearful of new places and new people, nightmares of not Being able to defend myself and Being severely beaten, and other previously mentioned issues. I'm now frightened of new people and new places, I'm always anxious and worried. I suffer from both physical and emotional injuries because of this.

#4

Leo Dutton - Is responsible for Sgt West, Sgt Correll, Sgt Ferguson, Sgt Swain, Unknown Officer, Supervisors of Detention Center, and Unknown Agent "Corporal". He allowed the Segregated inmates to be implicated into General Population and After a "Hate Crime" occurred shortly after one of the inmates from Segregated Housing was placed in General Population, Leo Dutton did nothing to prevent any future "Hate Crimes" from occurring. This Failure to Act, Train, and Supervise the individuals listed above led to the "Hate Crime" against me. I was extremely Fearful of Being Harmed, paranoid of Being jumped, having to constantly lie about my charges.

APPENDIX C:

INJURY

#4

(CONT.) Being called Horrible names, threats of Bodily Harm and Death, Being seriously assaulted, Having my Face and Head Smashed into the Concrete Floor over and over, extremely large pools of Blood Come From Face, nose, and mouth, loss of my hearing during the attack and everything getting Brighter and Brighter, in Fear of Death, Being constantly kicked over and over, Suffering From a Severe Concussion, a Broken Jaw, a Broken nose, a wandering eye, a droopy eye-lid, a permanently disfigured lip, constant ringing in my ears, dealing with migraines Headaches, nightmares about Being severely beaten and not being able to protect myself, and the traumatization From this "Hate Crime" which was preventable. I'm now extremely Frightened of new people and new places. I'm always anxious and worried. I Suffer From Both Physical and Emotional Injuries Because of this.

#5

Hawthorne - Because of this individuals careless Disregard, Deliberate indifference, and abandonment of my Safety and well-Being I was placed back into my pod where the "Hate Crime" against me took place. Before I was seriously attacked, the whole time I was afraid and ill, because nobody cared about what might happen to me. The threats of death From moments earlier kept running through my mind and Hawthorne purposely neglected my Fears and concerns. Then the "Hate Crime" against me occurred. Being Smashed head and Face First into the concrete over and over. Being kicked and jumped on all over my body while being Trapped in my cell unable to reach the door so officers could see what was going on. The loss of hearing, everything becoming Brighter and Brighter while I'm laying in this huge pool of Blood that came From my Body. Suffering a Severe Concussion, a Broken nose, a Broken Jaw, a violent migraine that I still must deal with to this day, a lazy eye and droopy eyelid, split wide open lip, permanently hanging down eye-brow, a permanently disfigured lip and scars, chipped teeth and an occasional popping Jaw, nightmares of Being Beaten up and I can't defend myself and the ringing in my ears all the time. Being Frightened now all the time of new people and new places. Always in Fear, being anxious, and worried that something like that is going to happen to me again and all other previously mentioned things. All that could have been

APPENDIX C

INJURY

#5

(CONT.) avoided IF Hawthorne and the other officers in this suit would have cared about my safety and well-being protected under BOTH the U.S. and Mont. Constitutions, as they were sworn to uphold. I had to be dragged to the police car and into the Hospital because I was in so much pain. I was then catheterized in order to urinate and there was blood mixed with the urine. I suffer from both physical and emotional injuries because of this.

#6 Adam Shank, Eric Gilberison, Brian Merritt, and Unknown Medical Personell - Failed to act when I stressed my concerns and fears for my safety. And because of this, it directly led to the "Hate Crime" against me. The injuries I have sustained because of their failure to act have been previously raised in the previous injury arguments. Had they acted within their official capacities, the "Hate Crime" against me would not have occurred; but instead, these individuals shrugged off my concerns and fears of being placed back into general population and I was attacked. I was in fear until I was attacked and then suffered from the previously mentioned injuries.

#7 Sgt Correll, Sgt Ferguson, Sgt West, and Sgt Swain - These individuals failed to implement some sort of "safeguard" to help eliminate further "Hate Crimes" from occurring. They failed to supervise and train the officers in this suit so they know how to act, respond, and formulate a remedy before a situation occurs. Their failure, allowed several officers in this suit to place me in harm when I made these individuals aware of the danger. Because of this, a "Hate Crime" was allowed to happen against me and the injuries I sustained have been previously listed in the previous such as permanent facial deformities, severe migraine headaches, the mental traumatization which has followed the attack against me, nightmares, ringing in my ears constantly, chipped teeth and the fear of new people and new places. I suffer from both physical and emotional injuries because of this.

#8 Leo Dutton - His failure to protect, implement safety precautions, and train his sergeants and officers in this suit directly led to the "Hate Crime" against me. Leo Dutton was aware of the "Hate Crime" which occurred before my "Hate Crime". His failure to act led to the serious attack against me which I suffered several injuries from such as a permanently disfigured eye, a sharply dropping eye-brow, severe migraines, ringing in my ears constantly,

6 OF 8

APPENDIX C

INJURY

#8) nightmares of Being Beaten and I can't defend myself, chipped teeth, the Fear of Being around new places and new people, always feeling anxious and worried, and other previously listed injuries. I suffer from both physical and emotional injuries because of this.

#9 Jason Grimmis — The injuries I sustained, because of this individual's minimizing of my injuries, denied me the right to have my assailants properly charged and given a punishment worth the "Hate Crime" in which they committed. Those involved in the "Hate Crime" against me, were given the lightest punishment available, other than just dropping the entire incident. Yet, I suffer from permanent disfigurement, violent migraines, nightmares, anxiety and worry, among the multiple injuries I have previously listed. This individual failed to seek justice for the serious attack against me; prejudicing me, to have those responsible for my injuries, properly charged and justice sought. I suffer from emotional injuries because of this.

#10 Unknown Officers (Eve. July 11th, 2009) — I was denied medical treatment for hours after the "Hate Crime" against me had occurred because they thought I didn't require any. I was in excruciating pain for these several hours locked in the P.C. Pod. I should have been taken to the hospital right away, instead of locked in a little room and ignored about my severe side pains and horrible headache and other injuries. I had to endure hours of pain for no reason. I suffer from both physical and emotional injuries because of this.

#11 Lewis and Clark County — I was denied medical treatment because they want to save money. This practice led to me suffering in pain for several hours, until the officers finally decided to take me to the hospital. I should have had medical attention right away, but because they refused to take me right away, I had to be dragged to the police car and into the hospital because I was in so much pain. I suffer both physical and emotional pain because of this.

APPENDIX C: INJURY

#12 CITY OF Helena - Denied me medical treatment Because they like to keep medical costs down. This practice led to me suffering in pain for several hours until officers finally decided to take me to the hospital at which point I could no longer talk because the pain was so intense, the officers had to drag me to the police car and into the hospital. I suffer from both physical and emotional pain because of this.

#13 Supervisors of Detention Center - I suffered injuries from a "Hate Crime" against me, when these individuals decided to place me into General Population. Instructed me not to talk about my charges and lie if necessary, having a "Hate Crime" occur against another inmate and purposely neglected to implicate some sort of safe-guard, just allowing what happens to happen. Because these individuals failed to incorporate some sort of protection, some sort of monitoring, or some sort of training. I was seriously attacked by a "Hate Crime" suffering from permanent facial disfigurements, suffering from severe migraines, chipped teeth, ringing in the ears, a popping jaw, nightmares, anxiety attacks from being around new people and new places, a broken nose, a broken jaw, among the other multiple injuries previously listed. I suffered from both physical and emotional injuries because of this.

#14 STATE OF MONTANA, CITY OF Helena, Lewis and CLARK County - I suffered from collection agency bills for medical costs that the individuals are supposed to cover while I'm in their care. It ruined my very respectable credit score and left me with several thousands of dollars of medical costs that I must pay for restitution as ordered at my sentencing hearing, when I shouldn't be responsible for my medical bills at all.

APPENDIX C: INJURY

#15 STATE OF Montana's - Failure to train the individuals in this suit led to the "Hate Crime" which was carried out against me. All of my physical injuries I sustained, all of my physical and mental scars I have from the "Hate Crime" which occurred to me, are the direct result of the State of Montana's Employees in this suit, failing to do their job. My severe migraine headaches, my facial deformities and facial scars, the pain and suffering I had to go through, the broken nose, the broken jaw, the fear and paranoia leading up to the attack against me, the nightmares I have where I can't defend myself among the other previously listed injuries. I suffer from emotional injuries because of this.

#16 STATE OF Montana - injured me when they failed to seek justice for the "Hate Crime" which occurred against me. Letting those responsible for my lifelong injuries off with a light charge to quickly sweep the incident under the rug. Further hurting me, because they refused to seek justice against those who harmed me. By making it seem that it's okay to violently attack someone in jail but not on the streets. To make me feel as if my life and liberties have no say in this world. I suffer from emotional injuries because of this.

APPENDIX D:

REQUEST FOR RELIEF

- ADAM Shank - Fired and Fined in excess of \$75,000,
Charges Sought
- Eric Gilberts - Fired and Fined in excess of \$75,000,
Charges Sought
- Sgt Ferguson - Suspended and Fined in excess of \$75,000
- Sgt Lorrell - Suspended and Fined in excess of \$75,000
- Sgt Swain - Suspended and Fined in excess of \$75,000
- Unknown Agent - Suspended and Fined in excess of \$75,000
- STATE OF MONTANA - Medical costs covered and Fined in excess
of \$75,000
- Lewis And CLARK County - Medical costs covered, Fined in excess of
of \$75,000, and Policies changed
- Unknown Medical Personnel - Fired, Fined in excess of \$75,000, and
Charges Sought
- Supervisors of Detention Center - Suspended or Fired, Fined in excess of
\$75,000, and Charges Sought, Policies changed
- CITY OF Helena - Medical costs covered, Fined in excess of \$75,000, and
Policies changed
- Officers of Evening July 11, 2009 - Fired and Fined in excess of \$75,000
- Brian Merritt - Fired, Fined in excess of \$75,000 and Charges Sought

VII. PLAINTIFF'S DECLARATION

- A. I understand I must keep the Court informed of my current mailing address and my failure to do so may result in dismissal of this Complaint without notice to me.
- B. I understand the Federal Rules of Civil Procedure prohibit litigants filing civil complaints from using certain information in documents submitted to the Court. In order to comply with these rules, I understand that:
- social security numbers, taxpayer identification numbers, and financial account numbers must include only the last four digits (e.g. xxx-xx-5271, xx-xxx5271, xxxxxxxx3567);
 - birth dates must include the year of birth only (e.g. xx/xx/2001); and
 - names of persons under the age of 18 must include initials only (e.g. L.K.).

If my documents (including exhibits) contain any of the above listed information, I understand it is my responsibility to black that information out before sending those documents to the Court.

I understand I am responsible for protecting the privacy of this information.

- C. I declare under penalty of perjury that I am the plaintiff in this action, I have read this complaint, and the information I set forth herein is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.
- D. (Prisoners Only) This Complaint was deposited in the prison system for legal mail, postage prepaid or paid by the prison, on

December 14, 2012.

Executed at CCA on Dec. 14, 2012.
(Location) (Date)

Duane Ronald Belanus
Signature of Plaintiff

Plaintiff's Last Name BELANUS

Amended Complaint
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